

6669. Misbranding of cottonseed cake and cottonseed meal. U. S. * * *
v. Conway Cotton Oil & Gin Co., a corporation. Plea of guilty.
Fine, \$50. (F. & D. No. 8822. I. S. Nos. 19705-m, 20078-m.)

On April 1, 1918, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Conway Cotton Oil & Gin Co., a corporation, Conway, Ark., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 23, 1916, and December 4, 1916, from the State of Arkansas into the States of Iowa and Illinois, respectively, of quantities of articles labeled in part, "Butterfly Brand Meal Cotton Seed Cake," and "Owl Brand High-Grade Cotton Seed Meal," respectively, which were misbranded.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the following results:

	Cottonseed cake.	Cottonseed meal.
Nitrogen (per cent)-----		6.06
Ammonia (per cent)-----		7.36
Protein (per cent)-----	35.4	37.9
Crude fiber (per cent)-----	16.4	11.8

Misbranding of the cottonseed cake was alleged in substance in the information for the reason that the statement, "Protein 39 to 43% Crude fiber 8 to 12%," borne on the label, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 39 per cent of protein and not more than 12 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 39 per cent of protein and not more than 12 per cent of crude fiber, whereas, in truth and in fact, it contained less protein and more fiber than was declared on the label—to wit, approximately 35.4 per cent of protein and 16.4 per cent of crude fiber.

Misbranding of the cottonseed meal was alleged in substance for the reason that the statement, "Ammonia 8% Protein 41% Nitrogen 6½% Fiber, Maximum 10%," borne on the label, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 8 per cent of ammonia, 41 per cent of protein and 6½ per cent of nitrogen, and not more than 10 per cent of fiber; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article contained not less than 8 per cent of ammonia, 41 per cent of protein and 6½ per cent of nitrogen, and not more than 10 per cent of fiber, whereas, in truth and in fact, it contained less ammonia, protein, and nitrogen, and more fiber than was declared on the label—to wit, approximately 7.36 per cent of ammonia, 37.9 per cent of protein, 6.06 per cent of nitrogen, and 11.8 per cent of fiber.

On April 8, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

C. F. MARVIN, *Acting Secretary of Agriculture.*